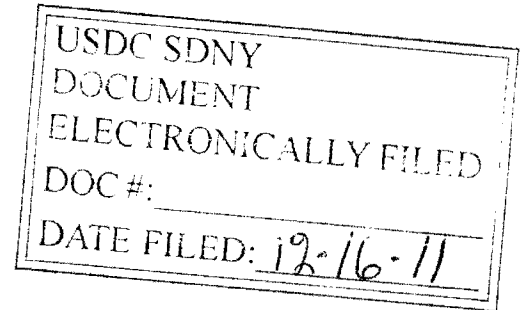


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Stanton, J

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-----X
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 INDEMNITY INSURANCE COMPANY OF
 NORTH AMERICA,

Plaintiff,

11 Civ. 6419 (LLS)

- against -

**STIPULATION & ORDER
 OF DISCONTINUANCE**

TIDEWATER EXPRESS INC.;

Defendant.

-----X

A settlement agreement having been reached, it is hereby stipulated and agreed that this action is discontinued pursuant to Rule 41 (a) (1)(A)(ii) Federal Rules of Civil Procedure, with prejudice but with each party to pay its own costs and attorney fees.

It is further stipulated and agreed that, if the settlement funds are not paid within thirty (30) days of the entry of this order, this action will be restored to the active docket of the Court upon letter application of plaintiff's counsel.

Dated: New York, New York
 December 16, 2011

SO ORDERED:

Louis L. Stanton
 UNITED STATES DISTRICT JUDGE

[signatures of counsel on p. 2]

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Stipulation & Order of Discontinuance
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